

RICK A. YARNALL  
CHAPTER 13 BANKRUPTCY TRUSTEE  
701 Bridger Ave, Suite 820  
Las Vegas, NV 89101  
(702) 853-4500  
RAY13mail@LasVegas13.com

**E-Filed**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:  
MICHELE VIGGIANO  
8411 BENIDORM AVE  
LAS VEGAS, NV 89178

CHAPTER 13  
CASE NO: BKS-08-24106-MKN

Hearing Date: April 29, 2010

Hearing Time: 2:00 PM

**TRUSTEE'S OBJECTION TO PROOF OF CLAIM OF BANK OF AMERICA NATIONAL ASSOCIATION**

COMES NOW, the Chapter 13 Trustee, Rick A. Yarnall, and files herewith the **OBJECTION TO PROOF OF CLAIM OF BANK OF AMERICA NATIONAL ASSOCIATION** (Clerk's claim #17) that was filed on 11/18/2009 in the amount of \$89,066.62 is as follows:

The Debtor(s) filed for Chapter 13 bankruptcy relief on November 25, 2008. The Debtor(s) Chapter 13 Plan was confirmed on January 29, 2010 and the bar date for filing claims was April 13, 2009. The Trustee files this Objection to this Creditor's claim because: **ALTHOUGH THE AMOUNTS ARE DIFFERENT THIS PROOF OF CLAIM IS A DUPLICATE CLAIM OF COURT'S CLAIM #8.**

11 U.S.C. 502(a) states in pertinent part:

(a) A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor of a general partner in a partnership that is a debtor in a case under Chapter 7 of this title, objects.

Therefore, the Trustee contends that the creditor's Proof of Claim is improper for the reason aforesaid and requests this Court to disallow said claim in its entirety.

Submitted by:

/s/ Rick A. Yarnall  
Rick A. Yarnall, Chapter 13 Bankruptcy Trustee

lp

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA		PROOF OF CLAIM 13
Name of Debtor Michelle Viggiano	Case Number 08-24106-MKN	(This space for court use)
<p><b>NOTE:</b> This form should NOT be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. Section 503..</p>		
Name of Creditor (The person or other entity to whom the debtor owes money or property)  <b>Bank of America, National Association as successor by merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Mortgage Funding Trust 2006-SL5, Mortgage-Backed Certificates, Series 2006-SL5</b>	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	(This space for court use)
Name & address where notices and payments should be sent: <b>EMC Payment Processing PO Box 660753 Dallas, Texas 75266-0753</b>		
Account or other number by which creditor identifies debtor: 0016893232 / 09-77577	Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><b>1. BASIS FOR CLAIM</b></p> <input type="checkbox"/> Goods sold  <input type="checkbox"/> Services performed  <input checked="" type="checkbox"/> Money loaned  <input type="checkbox"/> Personal injury/wrongful death  <input type="checkbox"/> Taxes  <input type="checkbox"/> Other         </div> <div style="width: 50%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)  <input type="checkbox"/> Wages, salaries, and compensation (FILL OUT BELOW)            Your Social Security # _____            Unpaid compensation for services performed from _____            (date) _____ To _____ (date)         </div> </div>		
<div style="display: flex; justify-content: space-between;"> <p><b>2. Date debt was incurred:</b> October 5, 2006</p> <p><b>3. If court judgment, date obtained:</b></p> </div>		
<p><b>4. Total amount of claim at time case filed: \$89,066.62</b>          If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach an itemized statement of all interest or additional charges.</p>		
<p><b>5. Secured Claim.</b></p> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff) <p>Brief description of collateral:  <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle  <input type="checkbox"/> Other</p> <p>Amount of arrearages and other charges at time case filed included in secured claim, if any:   <b>\$6,037.64*</b>          * Arrearages, as set forth in Schedule "A" attached. Plus accruing interest, late charges,</p>	<p><b>6. Unsecured Priority Claim.</b></p> <p><input checked="" type="checkbox"/> Check this box if you have an unsecured priority claim.</p> <p>Amount entitled to priority \$ _____          Specify the priority of the claim:  <input type="checkbox"/> Wages, salaries, or commissions up to \$4,650* earned within 90 days before filing of the bankruptcy petition, or cessation of the debtor's business, whichever is earlier- 11 U.S.C. § 507(a)(3)  <input type="checkbox"/> Contributions to an employee benefit plan- 11 U.S.C. § 507(a)(4)  <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease or rental of property or services for personal, family or household use- 11 U.S.C. § 507(a)(6)  <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child- 11 U.S.C. § 507(a)(7)  <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8)  <input type="checkbox"/> OTHER-Specify applicable paragraph of 11 U.S.C. § 507(a)(____).          *Amounts are subject to adjustment on 4/1/98 and every three years thereafter with respect to cases commenced on or after the date of adjustment.</p>	
<p><b>7. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p><b>8. Supporting documents:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.</p> <p><b>9. Date-Stamped copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim.</p>		(This space for court use)
Date: November 12, 2009  <div style="text-align: right;">WILDE &amp; ASSOCIATES, counsel for creditor</div>		